

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3538 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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Versus

HIGH COURT OF GUJARAT

Appearance:

MR IS SUPEHIA for Petitioner

Mr.Paresh Upadhyay for Respondent nos.1 and 2.

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 21/03/2000

ORAL JUDGEMENT :

The present petition is filed by the petitioner challenging the adverse remarks for the period from 1.4.1984 to 31.3.1985, which according to the petitioner were communicated to him by letter dated 25.9.1985. It is the case of the petitioner that respondent no.3 (who stands deleted as per the Court's order dated 10th July

1990 as he has expired) was the Reporting Officer and respondent no.2 was the Reviewing Officer. Respondent no.1 is the authority which rejected the representation/appeal of the petitioner against the adverse remarks in question. When the matter was called out for hearing, Mr.Paresh Upadhyay appearing for the respondents had invited attention of this Court towards a decision rendered in Special Civil Application No.2253 of 1993 decided by this Court on 13.11.1997. In the said petition a penalty imposed on the petitioner of compulsory retirement was challenged and the petitioner had failed in the said challenge and therefore, today the petitioner stands compulsorily retired.

2. In view of the aforesaid facts the present petition becomes infructuous or in any case merely an academic one as no effective reliefs can be achieved by the petitioner even if he succeeds in the present petition. In view of the aforesaid, the contentions raised by both the sides are not required to be gone into. Hence the present petition fails. Rule is discharged with no order as to costs.

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